

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 16 be amended to read as follows:

- 1       Page 136, between lines 29 and 30, begin a new paragraph and
- 2       insert:
- 3       "SECTION 146. IC 36-1.5-4-44 IS ADDED TO THE INDIANA
- 4       CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5       [EFFECTIVE JULY 1, 2008]: **Sec. 44. (a) A reorganized political**
- 6       **subdivision consisting of:**
- 7               **(1) two (2) or more townships; and**
- 8               **(2) at least one (1) municipality;**
- 9       **that have reorganized under IC 36-1.5 may exercise park and**
- 10       **recreation powers under IC 36-10 if the reorganized political**
- 11       **subdivision's plan of reorganization authorizes the reorganized**
- 12       **political subdivision to exercise those powers.**
- 13       **(b) If a reorganized political subdivision's plan of reorganization**
- 14       **authorizes the reorganized political subdivision to exercise park**
- 15       **and recreation powers under IC 36-10, the reorganized political**
- 16       **subdivision may establish a park and recreation board.**
- 17       **(c) A park and recreation board established by a reorganized**
- 18       **political subdivision under this section:**
- 19               **(1) shall exercise park and recreation functions within the**
- 20               **reorganized political subdivision; and**
- 21               **(2) has the powers and duties of both a municipal park and**
- 22               **recreation board and a township park and recreation board**
- 23               **under IC 36-10.**
- 24       **(d) A reorganized political subdivision may by resolution or in**
- 25       **the reorganized political subdivision's plan of reorganization**
- 26       **determine:**
- 27               **(1) the number of members to be appointed to the reorganized**
- 28               **political subdivision's park and recreation board;**
- 29               **(2) the person or entity that shall appoint or remove those**
- 30               **members;**
- 31               **(3) any required qualifications for those members; and**

**(4) the terms of those members."**

Page 147, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 163. IC 36-7-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. **(a) Except as provided in subsection (b), this chapter applies to all units except townships.**

**(b) A unit consisting of:**

**(1) two (2) or more townships; and**

**(2) at least one (1) municipality;**

**that have reorganized under IC 36-1.5 may exercise planning and zoning power under IC 36-7-4 if the unit's plan of reorganization under IC 36-1.5 authorizes the unit to exercise planning and zoning powers.**

SECTION 164. IC 36-7-4-107 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 107. **If a provision of this chapter requires a power to be exercised by adoption of an ordinance, a unit described in IC 36-7-2-1(b) shall exercise the power by adoption of a resolution.**

SECTION 165. IC 36-7-4-202.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 202.5. **(a) ADVISORY. Notwithstanding any other law, the legislative body of a unit described in IC 36-7-2-1(b) may establish by resolution an advisory plan commission.**

**(b) ADVISORY. If an advisory plan commission is established under this section by a unit described in IC 36-7-2-1(b) and the unit adopts a comprehensive plan under this chapter:**

**(1) the plan commission of the unit shall exercise the planning and zoning functions within the unit;**

**(2) the plan commission unit may not exercise planning and zoning functions within a municipality that has established a plan commission under this chapter (other than a municipality that participated in the reorganization of the unit under IC 36-1.5);**

**(3) a county plan commission may not exercise planning and zoning functions within the unit; and**

**(4) except as provided in subdivision (2), a municipal plan commission of a municipality (other than a municipality that participated in the reorganization of the unit under IC 36-1.5) may not exercise planning and zoning functions within the unit.**

**Notwithstanding any other law, if a municipality (other than a municipality that participated in the reorganization of the unit under IC 36-1.5) annexes territory within a unit described in IC 36-7-2-1(b) after the unit has established an advisory plan**

1 commission under this section, the municipal plan commission of  
2 that municipality may not exercise planning and zoning functions  
3 within that annexed territory.

4 (c) **ADVISORY.** Except as specifically provided in this chapter,  
5 an advisory plan commission established under this section by a  
6 unit described in IC 36-7-2-1(b) shall exercise the planning and  
7 zoning functions within the unit in the same manner that a  
8 municipal plan commission established under this chapter  
9 exercises planning and zoning functions for a municipality.

10 (d) **ADVISORY.** Notwithstanding any other provision, if an  
11 advisory plan commission is established under this section by a unit  
12 described in IC 36-7-2-1(b), the legislative body of the unit shall by  
13 resolution or in the unit's plan of reorganization under IC 36-1.5  
14 determine:

- 15 (1) the number of members to be appointed to the unit's
- 16 advisory plan commission;
- 17 (2) the person or entity that shall appoint or remove those
- 18 members;
- 19 (3) any required qualifications for those members;
- 20 (4) the terms of those members; and
- 21 (5) whether any members or advisory members shall be
- 22 appointed by the county in which the unit is located or by a
- 23 municipality located within the unit.

24 SECTION 166. IC 36-7-4-901.5 IS ADDED TO THE INDIANA  
25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2008]: Sec. 901.5. (a) If an advisory plan  
27 commission is established under this section by a unit described in  
28 IC 36-7-2-1(b) and the unit adopts a comprehensive plan under this  
29 chapter, the legislative body of the unit shall establish a board of  
30 zoning appeals.

31 (b) A board of zoning appeals established under this section:

- 32 (1) shall exercise its powers and duties under this chapter
- 33 within the unit in the same manner that a municipal board of
- 34 zoning appeals established under this chapter exercises
- 35 powers and duties under this chapter for a municipality; and
- 36 (2) may not exercise its powers and duties under this chapter
- 37 within a municipality that has established a plan commission
- 38 under this chapter (other than a municipality that
- 39 participated in the reorganization of the unit under
- 40 IC 36-1.5).

41 (c) Notwithstanding any other law, if the legislative body of a  
42 unit described in IC 36-7-2-1(b) establishes a board of zoning  
43 appeals under this section, the legislative body of the unit shall by  
44 resolution determine:

- 45 (1) the number of members to be appointed to the unit's board
- 46 of zoning appeals;
- 47 (2) the person or entity that shall appoint or remove those
- 48 members;

- 1           **(3) any required qualifications for those members; and**
- 2           **(4) the terms of those members."**

3   Renumber all SECTIONS consecutively.

(Reference is to SB 16 as reprinted January 18, 2008.)

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Senator DROZDA